

COMMENTS AND RESPONSE

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including the pending claims, and withdraw the claim rejections.

Priority

The Examiner has asserted that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

In particular, the Examiner asserts that the disclosure of provisional application no. 60/431,708 fails to provide adequate support for enablement in the manner provided by the first paragraph of 35 U.S.C. § 112 for claims 26, 27, 29, 31-33, and 35. The Examiner therefore concludes that claims 26, 27, 29, 31-33, and 35 are not entitled to the benefit of application no. 60/431,708.

Similarly, the Examiner asserts that the disclosure of provisional application no. 60/433,618 fails to provide adequate support for enablement in the manner provided by the first paragraph of 35 U.S.C. § 112 for claims 1-7, 9, 10, 12, 15-20, 22, 23, 26, 27, 29, 31-33, and 35. The Examiner therefore concludes that claims 1-7, 9, 10, 12, 15-20, 22, 23, 26, 27, 29, 31-33, and 35 are not entitled to the benefit of application no. 60/433,618.

Applicants observe that they do not need to rely upon priority from provisional application nos. 60/431,708 and 60/433,618 at the present time, since the filing date of both references cited in the rejection under 35 U.S.C. § 103(a) predate the filing date of both provisional applications. Therefore, a full consideration of whether there is support under 35 U.S.C. § 112 for the claims of this application is premature.

In addition, Applicants further note that as with respect to the later priority date of 16 December 2002 (i.e., the filing date of application no. 60/433,618), the Applicants do not rely upon either application individually, but upon the combined teachings of both of these two provisional applications.

Therefore, Applicants wish to traverse the Examiner's arguments and maintain the right to show support under 35 U.S.C. § 112 in either or both of provisional application nos. 60/431,708 and 60/433,618 for the allowed claims in the present applications should this question become ripe.

Information Disclosure Statement

Applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on 9 June 2005.

Claim Objection

The Examiner has objected to claims 1-7, 9, 10, 12, 26, 27, 29, 31-33, and 35 because of a number of informalities.

With respect to claims 1 and 26, the Examiner asserts that the feedforward circuit, as recited, is not seen as receiving any "signal input." Applicant traverse this objection, as they are uncertain of exactly what the Examiner finds objectionable.

Applicants note that none of the claims refer to a "signal input." Claim 1 recites a delay line that is "coupled to an input signal" Applicants believe that this shows that the delay line receives the input signal.

However, in an effort to expedite prosecution, Applicants have amended claim 1 to recite "a delay line, receiving an input signal," and have amended claim 26 to recite "an input section receiving an input signal." Applicants believe that this amendment fully addresses the Examiner's objection to claims 1 and 26.

With respect to claim 4, line 3, the Examiner objects to the recitation of "an other scaling circuit" as there is no recitation of a first or previous scaling circuit. Similarly, with respect to claim 7, lines 3 and 5, the Examiner objects to the recitation of "an other summer" since there is no recitation of a previous or first summer.

By this response, Applicants have amended claim 4 to recite simply "a scaling circuit," thus avoiding any confusion with respect to which scaler is referred to. Applicants also notice the same issue with claim 7. Therefore, although this portion of claim 7 was not objected to, Applicants have amended it as with claim 4.

By this response, Applicants have amended claim 7 to recite simply "a summer," thus avoiding any confusion with respect to which summer is referred to.

Claims 2, 3, 5, 6, 9, 10, 12, 27, 29, 31-33, and 35 were objected to because they depend from one of claims 1, 4, 7, or 26. Since claims 1, 4, 7, or 26 have been corrected above, Applicants submit that claims 2, 3, 5, 6, 9, 10, 12, 27, 29, 31-33, and 35 are also corrected.

Based on this amendment, Applicant respectfully requests that the Examiner withdraw the objection to claims 1-7, 9, 10, 12, 26, 27, 29, 31-33, and 35.

This amendment is being made solely to correct a formal objection, and not in response to an art rejection. Any narrowing amendment to the claims in the present

amendment is not to be construed as a surrender of any subject matter between the original claims and the present claims; rather this is merely an attempt at providing one or more definitions of what the applicant believes to be suitable patent protection. The present claims provide the intended scope of protection that the applicant is seeking for this application. Therefore, no estoppel should be presumed, and the applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

Allowable Subject Matter

The Examiner has indicated that claims 26, 27, 29, 31-33, and 35 would be allowable if rewritten to overcome the objections set forth in the pending office action. For the reasons set forth above, Applicants submit that they have overcome the objections to claims 26, 27, 29, 31-33, and 35. Therefore, claims 26, 27, 29, 31-33, and 35 should be in condition for allowance.

The Examiner has objected to claims 2-7, 9, 10, 16-20, 22, and 23 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this response, Applicant has canceled claims 3 and 17 and incorporated their limitations into claims 1 and 15, respectively. This places claims 1 and 15 in a condition that the Examiner has indicated would be allowable. Claims 2, 4-7, 9, and 10 (as amended, where necessary, to correct dependences from claim 3 to claim 1) depend variously from claim 1, and should therefore no longer depend from a rejected base claim. Likewise, claims 16, 18-20, 22, and 23 (as amended, where necessary, to correct

dependences from claim 17 to claim 15) depend variously from claim 15, and should therefore no longer depend from a rejected base claim.

Claim Rejections – 35 USC § 103

The Examiner has rejected claims 1, 12, and 15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over United States Patent No. 5,561,687 to Turner ("Turner") in view of United States Patent No. 6,553,058 to Naito ("Naito").

By this response, Applicant has amended claim 1 to incorporate the limitations of allowable claim 3, and has amended claim 15 to incorporate the limitations of allowable claim 17. This places claims 1 and 15 in a condition that the Examiner has indicated would be allowable.

Claim 12 depends from claim 1 and is allowable for at least the reasons given above for claim 1.

Therefore, based on at least the reasons given above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 12, and 15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Turner in view of Naito.

Conclusion

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, Applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, Applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

Although it is not anticipated that any additional fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully Submitted,



Brian C. Altmiller
Reg. No. 37,271

Date: 26 June 2008

Brian C. Altmiller
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 51204